

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

LARSON'S, INC.,

Plaintiff,

v.

**ORDER
Civil File No. 06-3571 (MJD/RLE)**

STEVEN MCDONNELL,

Defendant.

David C. McLaughlin, Fluegel Helseth McLaughlin Anderson & Brutlag, Counsel
for Plaintiff.

Steven McDonnell, pro se.

On September 1, 2006, Defendant McDonnell removed this action to this Court from the Traverse County District Court. [Doc. No. 1.] The Complaint states only Minnesota state law claims and there is no diversity of citizenship between the Parties. McDonnell has also filed a Motion for Leave to Proceed in Forma Pauperis [Doc. No. 2] and a Motion for a Temporary Restraining Order [Doc. No. 3]. Before the Court can consider any of the McDonnell's motions, the Court must consider whether it has jurisdiction over this matter.

A complaint may not be removed from state court unless it could have originally been brought in federal court. 28 U.S.C. § 1441; Caterpillar, Inc. v.

Williams, 482 U.S. 386, 392 (1987). Federal courts are courts of limited jurisdiction and can only hear cases that arise under the “Constitution, laws, or treaties of the United States” or when there is diversity of citizenship between the parties and the amount in controversy requirement is satisfied. 28 U.S.C. §§ 1331, 1332.

The Complaint states only a claim for right of replevin in a tractor because McDonnell is in default under the terms and conditions of a retail installment contract security agreement governed by the laws of the State of Minnesota. The Complaint seeks judgment in replevin and the right to recover the tractor. No federal laws are implicated, there is no diversity of citizenship between the Parties, and McDonnell does not assert any federal law in his Notice of Removal. Therefore, this case could not have been originally filed in federal court and this Court does not have jurisdiction over this matter. It follows that the Court cannot entertain McDonnell’s other motions.

Accordingly, **IT IS HEREBY ORDERED** that this case is remanded to the Minnesota State District Court for Traverse County.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 8, 2006

s / Michael J. Davis
Michael J. Davis
United States District Court